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10/015,844	12/10/2001	Andrew Kevin Prentice	US 010637	3538

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EXAMINER
PEACHES, RANDY

ART UNIT	PAPER NUMBER
2686	

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Please find below and/or attached an Office communication concerning this application or proceeding.

√

	Application No.	Applicant(s)
	10/015,844	PRENTICE ET AL.
Office Action Summary	Examiner	Art Unit	
	Randy Peaches	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-3,5-17* is/are rejected.
7)☒ Claim(s) *4,18 and 19* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   ***Claims 1-3, 5-7, 13 and 17*** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rostoker et al (U.S. Patent Number 5,793,416) in view of Geiger et al

(U.S. Patent Publication Number 2003/0061457 A1).

Regarding ***claims 1 and 17***, Rostoker et al discloses a subscriber unit (12), which reads

on claimed "a cellular phone communication device", comprising:

- a T/R module (24), which reads on claimed "radio frequency module", configured

  to receive and send communication data. See column 8 lines 57-58;

- a controller (22), which reads on claimed "codec controller" coupled to said T/R

  module (24) and configured to identify data portions related to an executable

  codec file. See column 4 lines 16-20 and column 5 lines 20-29; and

However, Rostoker et al does not clearly teach of a codec engine.

Geiger et al. discloses a codec engine that is part of a functional unit (216) (see

paragraph [0144]) of the system memory (218) coupled to said controller, see

paragraph [0079], said codec engine configured to store an executable codec file

received by a device, which reads on claimed "communication device" and identified by a said controller (211). See paragraph [0072, 0089].

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Rostoker et al (U.S. Patent Number 5,793,416) in view of Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) in order provide a functional means incorporated in the architecture of the network to store the said codec files for latter execution.

Regarding *claim 2*, as the combination of Rostoker et al (U.S. Patent Number 5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are made, the combination according to *claim 1*, Geiger et al. further teaches in paragraph [0072], where a said system memory (218) is used to store a plurality of executable codec files received by said device.

Regarding *claim 3*, as the combination of Rostoker et al (U.S. Patent Number 5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are made, the combination according to *claim 2*, Geiger et al. further teaches in paragraph [0072, 0076-0077] wherein said controller (211) provides at least one of said plurality of executable codec files to said codec engine of the system memory (218).

Regarding *claim 5*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are

made, the combination according to *claim 4*, Geiger et al. further teaches wherein said

communication data is a command block (226), which reads on claimed "codec portion",

which contains data to be compressed/decompressed, which reads on claimed "coded

data portion".   See paragraph [0146].

Regarding *claim 6*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are

made, the combination according to *claim 5*, Geiger et al. further teaches wherein said

command block (226) includes a codec executable file, that is downloaded in said

codec engine for compression/decompression. See paragraph [0160].

Regarding *claim 7*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are

made, the combination according to *claim 6*, Geiger et al. further teaches wherein said

command block (226) further comprises pointers and Status Bytes, as taught by Geiger

et al in paragraph [0155-0156] containing information that indicate presence of an

executable codec file and a codec type that contains information that associates coded

data with a corresponding executable codec file, so that said codec engine receives an

executable codec file associated with an incoming coded data.

Regarding *claim 13*, Rostoker et al discloses in column 2 lines 53-60 of a cellular

communication system for enabling communication among a plurality of subscriber units

(12), said cellular communication system comprising:

- a system, which reads on claimed "cellular network", for routing communication

  data

- a plurality of said subscriber units (12) coupled to said system, said subscriber

  units (12) having a controller (22) configured to identify said codec related

  information. See column 4 lines 10-29.

However, Rostoker et al fails to clearly disclose a codec handling layer configured to

add codec related information to said communication data, including a codec

executable file.

Geiger et al discloses in paragraph [0077-0079] where the DME is operable to

compress/decompress information contained within the system memory for preparation

to be delivered to its assign destination, which reads on claimed "add codec related

information to said communication data, including a codec executable file".

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the teachings of Rostoker et al (U.S. Patent Number

5,793,416) in view of Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) in

order provide a functional means incorporated in the architecture of the said subscriber

(12) to perform the CODEC responsibilities for a dependable transfer of information.

2.   *Claims 8-11* are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rostoker et al (U.S. Patent Number 5,793,416) in view of Geiger et al (U.S. Patent

Publication Number 2003/0061457 A1) as applied to *claim 1* above, and further in view

of De Martin et al. (U.S. Patent Number 6,421,527 B1).

Regarding *claim 8*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are

made, the combination according to *claim 2*, the combination of Rostoker et al and

Geiger et al fails to teach wherein said communication data are coded in accordance

with a packet switched data arrangement.

De Martin et al. discloses in column 3 lines 22-29 of a cellular mobile station

capable of transmitting and receiving a packet frame (21) consisting of three parts or

subsets. A first part (21b), a second part (21a), and a third part (21c), of which

conforms to the packet switch data arrangement standard.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the combined teachings of Rostoker et al (U.S.

Patent Number 5,793,416) and Geiger et al (U.S. Patent Publication Number

2003/0061457 A1) to further include De Martin et al. (U.S. Patent Number 6,421,527

B1) in order provide a standard with respect to the order of a packet data frame when

the transfer of a codec file between the entity of a said communication device and the

network.

Regarding *claim 9*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and De

Martin et al. (U.S. Patent Number 6,421,527 B1) are made, the combination according

to *claim 8*, De Martin et al. further teaches wherein said packet data (21) includes a

plurality of codec header packets (21a) and codec data packets (21b).

Regarding *claim 10*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and De

Martin et al. (U.S. Patent Number 6,421,527 B1) are made, the combination according

to *claim 9*, De Martin et al. further discloses in column 3 lines 19-46, wherein said

codec header packets include a codec executable file in a data field, Geiger et al.

further teaches wherein said command block (226) includes a codec executable file,

that is downloaded in said codec engine for compression/decompression. See

paragraph [0160].

Regarding *claim 11*, as the combination of Rostoker et al (U.S. Patent Number

5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and De

Martin et al. (U.S. Patent Number 6,421,527 B1) are made, the combination according

to *claim 10*, Geiger et al teaches wherein said command block (226) further comprises

pointers, which reads on claimed "flags", and Status Bytes, as taught by Geiger et al in

paragraph [0155-0156] containing information that indicate presence of an executable

codec file and a codec type that contains information that associates coded data with a

corresponding executable codec file, so that said codec engine receives an executable codec file associated with an incoming coded data. De Martin et al. further discloses in column 3 lines 19-46, wherein said codec header packets include a codec executable file in a data field.

3.   *Claim 12* is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination Rostoker et al (U.S. Patent Number 5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and De Martin et al. (U.S. Patent Number 6,421,527 B1) in further view of Fuse et al. (U.S. Patent Number 6,330,634 B1).

Regarding *claim 12*, as the combination of Rostoker et al (U.S. Patent Number 5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and De Martin et al. (U.S. Patent Number 6,421,527 B1) are made, the combination according to *claim 11*, fails to clearly teach of wherein said codec header packet further comprises a fragment field that contains information indicating whether a packet is a final packet comprising a codec executable file.

Fuse et al. details in column 9 lines 52-60 where a final flag is used in a block, which reads on claimed "codec executable file", to indicate either a block is continued or has ended.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings of Rostoker et al (U.S. Patent Number 5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457

A1) and De Martin et al. (U.S. Patent Number 6,421,527 B1) to further include Fuse et

al. (U.S. Patent Number 6,330,634 B1) in order provide a means with the data string of

the executable file that denotes the finale of the said file.

4.   **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rostoker et al (U.S. Patent Number 5,793,416) in view of Geiger et al (U.S. Patent

Publication Number 2003/0061457 A1) as applied to **claim 1** above, and further in view

of Danial. (U.S. Patent Number 5,940,806).

Regarding **claim 14**, as the above combination of Rostoker et al (U.S. Patent Number

5,793,416) and Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) are

made, the combination according to **claim 13**, fails to clearly disclose where plurality of

terminals are coupled via the Internet, so as to route said communication data among

said cellular phone devices and said terminals.

Danial details in paragraph column 3 lines 43-64, where a plurality of supplier

and information clients, which reads on claimed "plurality of terminals", are coupled to

via a communication link (14) to the Internet network.

Therefore, at the time of the invention it would have been obvious to a person of

ordinary skilled in the art to modify the combined teachings of Rostoker et al (U.S.

Patent Number 5,793,416) and Geiger et al (U.S. Patent Publication Number

2003/0061457 A1) to further include Danial. (U.S. Patent Number 5,940,806) in order to

allow information residing on the internet to be transferred to a said cellular device so that the user of the said device may have access to the information on the internet.

Regarding *claim 15*, as the combination of Rostoker et al (U.S. Patent Number 5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and Danial (U.S. Patent Number 5,940,806) are made, the combination according to *claim 14*, wherein Geiger et al. discloses a codec engine that is part of a functional unit (216) (see paragraph [0144]) of the system memory (218) coupled to said controller, see paragraph [0079], said codec engine configured to store an executable codec file received by a device, which reads on claimed "communication device" and identified by a said controller (211). See paragraph [0072, 0089]. said phone devices further comprise a codec engine configured to execute a codec executable file received from said cellular network.

Regarding *claim 16*, as the combination of Rostoker et al (U.S. Patent Number 5,793,416), Geiger et al (U.S. Patent Publication Number 2003/0061457 A1) and Danial (U.S. Patent Number 5,940,806) are made, the combination according to *claim 14*, wherein Geiger et al. discloses a codec engine that is part of a functional unit (216) (see paragraph [0144]) of the system memory (218) coupled to said controller, see paragraph [0079], said codec engine configured to decode data received from said network in accordance with said received codec executable file. See paragraph [0162].

Allowable Subject Matter

Claims 4 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding *claim 4,* the cellular phone communication device according to *claim 2,* wherein said communication data are coded in accordance with a circuit switched data arrangement.

Regarding *claim 18*, the method in accordance with *claim 17* further comprising the step of encapsulating said codec related information to a circuit switched communication data.

Regarding *claim 19*, the method in accordance with *claim 17*, further comprising the step of encapsulating said codec related information to a packet switched communication data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (703) 305-8993. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
August 2, 2004

CHARLES APPIAH
PRIMARY EXAMINER